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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,274

Applicant(s)

SCHWARTZ ET AL.

Examiner

Edward R. Cosimano

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-25, 82-85, 87-93, 95-129, 184-187 and 189-201 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-25, 82-85, 87-93, 95-129, 184-187 and 189-201 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and
 - C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.
2. Applicant's claim for the benefit of an earlier filing data under 35 U.S.C. § 119(e) and 35 U.S.C. § 120 is acknowledged.
3. The proposed drawing correction filed 18 November 2004 has been approved.
4. The drawings filed 18 November 2004 are objected to because
 - A) the drawings must show every feature of the invention specified in the claims, therefore, the subject matter of:
 - (1) claims 90 & 91, to the same interface being used to either (a) communicate with a "remote computer" (claim 90) or (b) communicate via a connection to a "communications network" (claim 91), since as disclosed and as can be seen in fig. 1, the functions of the interface of claim 82 is performed by "serial interface 163/165", while the functions of the interface of claims 90 & 91 are performed by "communications interface 161";
 - (2) claim 95, in regard to communication with a certification authority other than the selected recipient for the purpose of verification;
 - (3) claims 97-102, in regard to either transmitting or receiving facsimile information containing any particular content; and
 - (4) claim 192, in regard to causing the mail processor to notify the recipient while processing the mail piece;must be shown in the drawings as required by 37 CFR § 1.83(a) or the feature(s) canceled from the claim(s) (note: no new matter should be entered).
- 4.1 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

Art Unit: 3629

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the continuing data on page 1 as amended on 09 January 2002,

"This is a continuation of Application No. 08/973,293, filed December 01, 1997, now allowed, which was the National Stage of International Application No. PCT/US97/06831, filed April 23, 1997, which claims the benefit U.S. Provisional Application 60/016,082, filed on April 23, 1996, U.S. Provisional Application No. 60/017,911, filed on April 23, 1996, U.S. Provisional Application No. 60/015,528, filed on April 23, 1996, and U.S. Provisional Application No. 60/016,760, filed on May 03, 1996.",

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the following errors have been noted in the specification:

(1) the brief description of the drawing as amended on 18 November 2004 lacks a description of fig.5 as required by 37 CFR § 1.74, since applicant deleted the reference to fig. 5.

(2) in view of point (B)(1), it is noted that the amended paragraph located at page 5, lines 6-7, should be as follows:

“Figs. 5, 5A and 5B [[5A-5B]] are flow charts depicting the steps of a routine run by a mail processor in the system of Fig. 1;”.

Appropriate correction is required.

6. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

7. Claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7.1 In regard to claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201, although one of ordinary skill at the time of the invention would know how to accomplish each of the individual recited actions/functions from the language of these claims, since, there is no clear and definite interconnection between one or more of the recited limitations of these claims, one of ordinary skill could not determine from the language of these claims whether or not they are in fact making and/or using the claimed invention. In this regard it is noted that from the language of these claims it is vague, indefinite and unclear:

A) in regard to claims 1, 82, 107, 184, 199, 200 & 201, and how the “processor” can generate “second data” by encrypting the “first data” and/or “selected information”, since the processor is not interconnected to either the “memory” or the “interface” so as to be able to use this data in the process of producing the “second data” by encryption.

B) in regard to claims 1, 82, 107, 184, 199, 200 & 201, and how this claim “dispenses postage” since the invention as recited in these claims does not account for the “value of postage” or print the created “postage indicia” so that the postage indicia may be used as evidence of the payment of postage.

C) in regard to claims 3 & 109, and how the “encryption algorithm” in the memory may be used to encrypt the “selected information”, since the processor is not

interconnected to the “memory” so as to be able to either access the memory or to be controlled by the encryption algorithm in the process of producing the “second data” by encryption.

D) in regard to claims 6 & 106, and how the “memory” can contain information for “determining past postage dispensation”, since the memory of the invention as recited in these claims merely stores funds and does not receive any information regarding postage that may have been previously dispensed by the invention.

E) in regard to claims 7 & 112, and how the postage funds stored in the “memory” can changes in response to a “purchase”, since the invention as recited in these claims does not receive any type of “request for purchasing postage” of a particular amount so that the postage stored in the memory may be changed.

F) in regard to claims 8, 17-21, 113 & 121-125, and how the “processor” may use the “received data” to either:

(1) compute the “cost of delivery of the said mail piece” (claims 8 & 113); or

(2) determine the weight of the content (claims 17 & 121); or

(3) determine the pagination of the content (claims 18 & 122); or

(4) determine an “address” (claims 19 & 123); or

(5) determine the zipcode (claims 20 & 124); or

(5) determine which part is to be “attributed the cost” (claims 21 & 125);

since the invention as recited in these claims does not require the processor to receive either the data or any other information/data that would be required for the processor to accomplish these functions.

G) in regard to claims 8 & 113, and how an “indicator of the cost” may be applied at the “selected location”, since the “computed cost of delivery” is not associated with the “indicator” so that it may be combined with the content information and applied.

H) in regard to claims 11 & 116, and how the indicator may be applied close to an address, since the invention as recited in these claims does not include an “address”.

Art Unit: 3629

I) in regard to claim 12, and why “information concerning the cost is read by a scanner”, since the invention as recited in this claim does not make use of this information.

J) in regard to claims 22 & 126, and which one of the “selected shipping rates” is to be used to computer the cost, since the invention as recited in these claims does not indicate a particular shipping rate.

K) in regard to claims 23-25 & 127-129, and how the database stored in the memory is either:

- (1) used by the claimed invention, since the invention as recited in claims 23, 127 does not require the invention to use the database for any purpose; or

- (2) used to store statistical data, since the invention as recited in claims 24, 128 does not require the invention to produce any statistical data so that it may be stored in the database; or

- (3) used to store tracking information, since the invention as recited in claims 25, 129 does not require the invention to create or use the tracking information.

L) in regard to claims 82-85 and what function the either:

- (1) the “management information system” (claim 82); or

- (2) the “computer” (claims 83-84); or

- (3) the “control element” (claim 85);

would play in relation to the remainder of the invention recited in these claims, since the invention as recited does not contain any sort of interconnection between this element and the rest of the claimed invention.

M) in regard to claims 85 & 185 and how the “control element” would control access to the system, since the invention as recited in this claim does not indicate at least would data/information is used and what under what circumstance access would either be permitted or denied.

N) in regard to claims 88, 186 & 199, and how the address may be cleansed (claims 88 & 199) or checked (claim 186), since the invention as recited in these claims does not:

- (1) receive any information regarding addresses; or
- (2) make a determination that an address is incorrect; or
- (3) have an indication of a correct address for an address that has been identified as being incorrect.

O) in regard to claims 90-92, and why the interface is connected to a "remote computer" (claim 90) or a "communications network" (claim 91) or the "internet" (claim 92), since the invention as recited in these claims does not require the claimed system to access a remote computer via any type of a communication network.

P) in regard to claims 100-105 & 201, and the use of a facsimile to transmit information, since the invention as recited in these claims does not require the claimed system to make use of the transmitted information or to access a remote device.

Q) in regard to claims 93, 95, 184 & 200 and why and under what circumstance is the information communicated as well as what information to a selected recipient, since the invention as recited in these claims fails to stipulate which one of the previously recited information is communicated as well as when this function may occur.

R) in regard to claim 192, and how an indicator that the content is included in a item of mail may be affixed to the item of mail, since the invention as recited in this claim has not determined what the content of the item of mail should be nor has the invention checked that the content is actually contained within the item of mail.

7.2 In regard to claims 90 & 91 and to the same interface being used to either:

A) communicate with a "remote computer" (claim 90); or

B) communicate via a connection to a "communications network" (claim 91), since as disclosed and as can be seen in fig. 1, the functions of the interface of claim 82 is performed by "serial interface 163/165", while the functions of the interface of claims 90 & 91 are performed by "communications interface 161"

7.3 The scope and meaning of claims 189 & 190 is unclear, vague, indefinite and can not be determined, since these claims depend from cancelled claim 188.

7.4 For the above reason(s), applicant has failed to particularly point out what is regarded as the invention.

8. Claims 192-198 are provisionally rejected under the judicially created doctrine of double patenting over claims 192-205 & 208-210 of copending Application No. 08/973,293. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

8.1 The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

A) in regard to claims 192-198, a postage indicia that contains data/information that causes the mail processor to perform some action.

8.2 The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

8.3 A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

8.4 Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 3629

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9.1 Claims 1-7 & 107-112 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Wright et al (4,802,218 or 4,900,903 or 4,900,904) or Talmadge (4,809,185 or 4,858,138) or Chickneas et al (4,813,912) or Freytag (5,490,077).

9.2 Claims 1-7 & 107-112 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by either Freytag (5,602,743) or Lee et al (5,625,694) or Arsenault et al (5,651,103).

9.3 In regard to claims 1-7 & 107-112 any one of Wright et al ('218 or '903 or '904) or Talmadge ('185 or '138) or Chickneas et al ('912) or Freytag ('077 or '743) or Lee et al ('694) or Arsenault et al ('103) disclose a computerized postage metering system under the control of an appropriate operating/control program/software store in a computer readable medium. In these postage metering systems a separate smart card IC device, that is a device containing a processor and memory is used to perform the function of a postage security device (PSD) or vault that dispenses and stores the value of postage that may be printed by the associated postage metering system as well as a recording the amount of dispensed postage. When the IC device has been inserted into a second computerized system that forms the remainder of the postage metering system, then the function of a postage meter may be realized by the dispensing of postage value and an indication in the form of an indicia may be printed as proof

Art Unit: 3629

of the payment of the postage for the item of mail. Further in these systems a processor, based on:

A) entered/received attributes of an item of mail that may be required in order to determine the correct postage value, for example, number of pages, weight, destination, etc.; and

B) the appropriate shipping rate data;

verifies the entered/received data for correctness and completeness and then determines the appropriate delivery cost or postage value for the item of mail. On the correct postage has been determined, then the determined amount of postage is requested from the IC device. If there is sufficient funds stored in the IC device and the request is approved, then the processor of the IC device accounts for the requested postage value and generates an indicator or postage indicia data that includes an encrypted digital signature as proof of the payment of the required postage. The generated indicia data is then transmitted from the IC device through an appropriate interface to the remainder of the postage metering system so that it may be printed on the item of mail at an appropriate location. Once printed the indicia is visible to the mail processing equipment of the Post Office.

9.3.1 In regard to the types of encryption used RSA (claims 4 & 110) or DSA (claims 5, 105 & 111), since the systems of any one of Wright et al ('218 or '903 or '904) or Talmadge ('185 or '138) or Chickneas et al ('912) or Freytag ('077 or '743) or Lee et al ('694) or Arsenault et al ('103) require the use of an encryption algorithm, it would have been inherent to one of ordinary skill that any suitable encryption algorithm could be used.

9.3.2 In regard to the refilling of claims 7 & 112, since the systems of any one of Wright et al ('218 or '903 or '904) or Talmadge ('185 or '138) or Chickneas et al ('912) or Freytag ('077 or '743) or Lee et al ('694) or Arsenault et al ('103) are refillable by adding additional funds, it would have been inherent to one of ordinary skill that the processor of the IC has the ability to add funds to the stored value of funds to be dispensed.

10. 35 U.S.C. § 101 reads as follows:

Art Unit: 3629

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

10.1 Claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201 are rejected under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter.

10.1.1 As set forth by the Court in:

A) In re Musgrave 167 USPQ 280 at 289-290 (CCPA 1970), "We cannot agree with the Board that these claims (all the steps of which can be carried out by the disclosed apparatus) are directed to non-statutory processes merely because some or all of the steps therein can also be carried out in or with the aid of the human mind or because it may be necessary for one performing the process to think. All that is necessary, in our view, to make a sequence of operational steps a statutory "process" within 35 U.S.C. 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of "useful arts." Cons. Art. 1, sec. 8.", {emphasis added}; and

B) In re Sarkar 100 USPQ 132 @ 136-137 (CCPA 1978), echoing the Board of Appeals stated in regard to claim 14 "14. A method of locating an obstruction in an open channel to affect flow in a predetermined manner comprising:

a) obtaining the dimensions of said obstruction which affect the parameters of flow;

b) constructing a mathematical model of at least that portion of the open channel in which said obstruction is to be located in accordance with the method of claim 1 using those dimensions obtained in step (a) above;

c) adjusting the location of said obstruction within said mathematical model until the desired effect upon flow is obtained in said model; and thereafter

d) constructing said obstruction within the actual open channel at the specified adjusted location indicated by the mathematical model.”;

and “Concerning claims 14-39 and the significance of “post-solution activity,” like building a bridge or dam, the board concluded: While it is true that the final step in each of these claims makes reference to the mathematical result achieved by performing the prior recited steps, we consider the connection to be so tenuous that the several steps recited in each claim when considered as a whole do not constitute a proper method under the statute.”, {emphasis added}.

10.1.2 Further, it is noted in regard to claims 14-39 of Sarkar, although step (d) of claim 14 of Sarkar references the result of step (c) of claim 14 of Sarkar it is clear from the language of step (c) of claim 14 of Sarkar that multiple adjustments to the location of the obstruction are required to be made until a location with the desired effect has been determined. Hence, the reference to constructing the obstruction at the “specified adjusted location” in step (d) of claim 14 of Sarkar is vague, indefinite and unclear in regard to which one of the possible multiple adjusted locations of the obstruction that were used during step (c) of claim 14 of Sarkar would be used when constructing the obstruction as required by step (d) of Sarkar. Therefore, without a clear connection between step (d) of Sarkar and the remaining steps of claim 14 of Sarkar, the Board of Appeals and the Court held that these claims were not a process within the meaning of process as used in 35 U.S.C. § 101 and hence were directed to non statutory subject matter.

10.1.3 As can be seen from claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201, these claims are directed to a series of devices for performing various functions or steps/actions/functions, which as set forth above in regard to the rejection of claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201 under 35 U.S.C. § 112 2nd paragraph, are not clearly and definitely interconnected to one another and therefore do not provide an

Art Unit: 3629

operative useful machine/system or method/process with in the meaning of machine or process as used in 35 U.S.C. § 101.

10.2 Claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201 are rejected under 35 U.S.C. § 101 because the invention as claimed is directed to non-statutory subject matter, since:

A) in regard to claims 1-14, 16-25, 82-85, 87-93, 95-118, 119-129, 184-187 & 189-201, these claims fail to comply with the “requirements this title, namely 35 U.S.C. § 112 2nd paragraph as set forth above.

B) in regard to claims 1-7 & 107-112, these claims fail to comply with the “requirements this title, namely 35 U.S.C. § 102 as set forth below.

11. The following is an Examiner's Statement of Reasons for Allowance over the prior art:

A) the prior art, for example:

(1) either Wright et al (4,802,218 or 4,900,903 or 4,900,904) or Talmadge (4,809,185 or 4,858,138) or Chickneas et al (4,813,912) or Freytag (5,490,077 or 5,602,743) or Lee et al (5,625,694) or Arsenault et al (5,651,103) disclose a smart card IC device, that contains a processor and memory, performs the function of a postage security device (PSD) or vault by creating indicia and dispensing, storing and recording the value of postage requested by a user wishing to mail an item using the associated postage metering system into which the IC card has been inserted.

(2) Taylor et al (4,812,994) which disclose the use of passwords entered by the user to determine whether or not an user may operate a postage meter to dispense postage or perform any other postage metering function.

(3) Moore (5,452,203) which discloses a system for cleansing mailing lists.

(4) either Cordery et al (5,628,249) or Harman et al (5,684,706) which disclose that data representing the contents of a item of mail may be processed to produce the final item of mail.

(5) Manduley (5,650,934) for a mailing system in which merged content and postage evidence information are printed separately.

B) however in regard to claims 8 & 113, the prior art does not teach or suggest including data indicative of a selected location with in received data representing at least part of the content of an item of mail.

C) however in regard to claim 82, the prior art does not teach or suggest including a management subsystem for processing documents with in the postage metering systems of the prior art.

D) however in regard to claims 88 & 199, the prior art does not teach or suggest including a function of cleansing mailing address as the mail is processed by the postage metering systems of the prior art.

E) however in regard to claims 184 & 200, the prior art does not teach or suggest including a communicator for communicating information to a recipient with in the postage metering systems of the prior art.

F) however, in regard to claim 192, the prior art does not each or suggest including an indicia containing information regarding the content of an item of mail on the item of mail.

G) however in regard to claim 201, the prior art does not teach or suggest including a facsimile transmitter/receiver with in the postage metering systems of the prior art.

11. Applicant must supply the:

A) articles mentioned in the paragraphs located:

(1) at page 1, lines 14-25; "' Well-known cryptographic methods ... one may refer to: M. Smid et al., "The Data Encryption Standard: Past and Future," Proceedings of the IEEE, Vol. 76, No. 5, May 1988. This ... alternately applied to the data."; and

(2) between page 1, line 26, and page 2, line 4; "Also well-known is the RSA ... one may refer to: R. Rivest et al., "A Method for Obtaining Digital

Signatures and Public Key Cryptosystems," Communications of the ACM, Vol. 21, No. 2, February 1978. The ... use of very large numbers for the keys."

B) the following foreign documents mentioned in the paragraphs located at page 7, lines 13-33, "Secure memory 207 ... and U.S. Patent No. 4,097,923.";

- (1) WO 89-11134;
- (2) EP 527010;
- (3) EP 737944;
- (4) EP 442671; and
- (5) WO 86-05611.

12. Response to applicant's arguments.

12.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

12.2 As per the objection to the drawings for not showing claimed subject matter, since a depiction of a box to represent an item does not depict the specific claimed acts/functions that the claim attributed as being performed by the depicted item, applicant's arguments are non persuasive.

12.2 As per the 35 U.S.C. § 102 rejection, since applicant failed to address this rejection, it has been maintained.

13. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

Art Unit: 3629

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783 (after 13 April 2005 (571) 272-6802). The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702 (after 13 April 2005 (571) 272-6812). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

14.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

14.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

14.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

02/22/05



Edward R. Cosimano
Primary Examiner A.U. 3629